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March 21, 2022

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of the Kingdom of Saudi Arabia (“Saudi Arabia”) and Dallah Avco concerning the testimony of Alp Karli. Mr. Karli’s testimony is currently scheduled to be taken during a hearing in Turkish court in Istanbul, Turkey, on Tuesday, March 22, 2022, pursuant to letters of request transmitted from this Court to the Turkish Ministry of Justice. *See* ECF No. 7479, at 1 (letter from Plaintiffs with hearing date). For the reasons set forth below, Saudi Arabia and Dallah Avco respectfully request consideration of this letter as an emergency motion.

On the morning of Friday, March 18, 2022, the Turkish court scheduled a meeting for Monday, March 21, 2022 at 11:00 am (Istanbul time) to discuss the procedures for the March 22, 2022 hearing. The Turkish court notified all parties, including the Plaintiffs’ Executive Committees’ (“Plaintiffs”) Turkish counsel, of the March 21, 2022 meeting. On Friday, after the close of business in Istanbul, Plaintiffs informed U.S. counsel for Saudi Arabia and Dallah Avco by email that “there is simply not enough time for us to take this deposition” and that they “have elected to cancel” it. *See* Ex. A. Plaintiffs further stated that they “will contact the Turkish authorities to let them and Mr. Karli know that the deposition is cancelled.” *Id.* Plaintiffs also filed a letter with this Court late Friday stating that they were “contacting [their] Turkish counsel to notify the court in Istanbul and Mr. Karli.” *See* ECF No. 7762, at 2.

Plaintiffs did not inform the Turkish court prior to the March 21, 2022 meeting that they were waiving the rogatory request to take Mr. Karli’s testimony on March 22, 2022. As a result, the Turkish court proceeded with the procedural meeting today. U.S. and Turkish counsel for Saudi Arabia, Dallah Avco, and Mr. Karli were present at the courthouse for the meeting, although only Turkish counsel were permitted to participate directly. Neither U.S. nor Turkish counsel for Plaintiffs attended the meeting. It is our understanding that Plaintiffs’ Turkish counsel called the clerk of the Turkish court as the meeting began and informed the clerk that

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they would be filing a petition to waive the rogatory request to take Mr. Karli's testimony later today. However, because Plaintiffs had yet to file any petition and did not show up at the meeting this morning, the Turkish court ruled that the hearing must go forward tomorrow.

In light of Plaintiffs' decision not to pursue their letters rogatory, Saudi Arabia and Dallah Avco respectfully request that this Court issue an order as soon as possible today stating that its request for the testimony of Mr. Karli is withdrawn and further request that the Court transmit this Order directly to the Turkish Court and to the Turkish Ministry of Justice. Contact information is set forth below:

Turkish Court
İstanbul Adliye Sarayı
İstanbul 22. Asliye Hukuk Mahkemesi
Çağlayan, İstanbul
Tel: +90 212 375 7575

Ministry of Justice
TC Adalet Bakanlığı,
Adalet Bakanlığı Ek Binası
Namık Kemal Mah. Milli Müdafaa Caddesi
No:22 Kızılay - Çankaya / ANKARA
Fax: +90 312 219 45 23
Tel: +90 312 414 8941
E-Mail: diabgm@adalet.gov.tr

As we have advised Plaintiffs, Saudi Arabia and Dallah Avco reserve all rights to seek any other relief in connection with this matter.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record (via ECF)